

House Bill 1216 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Smith of the 129th, Wilkinson of the 52nd, Maddox of the 172nd, Lunsford of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change regional development centers to regional commissions; to provide for new boundaries; to provide for definitions; to provide for membership in the commissions; to provide for legislative intent; to provide for duties and powers; to provide for certain procedures regarding dues structure and funding; to provide for councils to govern the commissions; to provide for membership to said council; to provide the council with certain duties and powers; to provide for an executive director of the council; to provide certain duties and powers to the state auditor regarding the regional commissions; to provide for duties and procedures regarding regional commissions relationship with other governmental entities; to provide for the transfer of certain assets, liabilities, contracts, staff, records, or debts of certain regional development centers; to amend the Official Code of Georgia Annotated to change references to reflect such changes; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding the Department of Community Affairs, is amended by revising subparagraph (a)(18)(B) of Code Section 50-8-2, relating to definitions, as follows:

"(B) Has made its local plan implementation mechanisms consistent with those established ~~regulations consistent with~~ in its comprehensive plan and with the minimum standards and procedures; and"

SECTION 2.

Said chapter is further amended by revising subsections (f) and (g) of Code Section 50-8-4, relating to the Board of Community Affairs, as follows:

1 "(f)(1) The initial territorial boundaries for the operation of the regional commissions
 2 shall be as follows: Region 1 shall be made up of Bartow, Catoosa, Chattooga, Dade,
 3 Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Paulding, Pickens, Polk, Walker, and
 4 Whitfield; Region 2 shall be made up of Banks, Dawson, Forsyth, Franklin, Habersham,
 5 Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White; Region 3 shall be
 6 made up of Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett,
 7 Henry, and Rockdale; Region 4 shall be made up of Butts, Carroll, Coweta, Heard,
 8 Lamar, Meriwether, Pike, Spalding, Troup, and Upson; Region 5 shall be made up of
 9 Barrow, Clarke, Elbert, Greene, Jackson, Jasper, Madison, Morgan, Newton, Oconee,
 10 Oglethorpe, and Walton; Region 6 shall be made up of Baldwin, Bibb, Crawford,
 11 Houston, Jones, Monroe, Peach, Pulaski, Putnam, Twiggs, and Wilkinson; Region 7 shall
 12 be made up of Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins, Lincoln,
 13 McDuffie, Richmond, Taliaferro, Warren, Washington, and Wilkes; Region 8 shall be
 14 made up of Chattahoochee, Clay, Crisp, Dooly, Harris, Macon, Marion, Muscogee,
 15 Quitman, Randolph, Schley, Stewart, Sumter, Talbot, Taylor, and Webster; Region 9
 16 shall be made up of Appling, Bleckley, Candler, Dodge, Emanuel, Evans, Jeff Davis,
 17 Johnson, Laurens, Montgomery, Tattnall, Telfair, Toombs, Treutlen, Wayne, Wheeler,
 18 and Wilcox; Region 10 shall be made up of Baker, Calhoun, Colquitt, Decatur,
 19 Dougherty, Early, Grady, Lee, Miller, Mitchell, Seminole, Terrell, Thomas, and Worth;
 20 Region 11 shall be made up of Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks,
 21 Charlton, Clinch, Coffee, Cook, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner, and
 22 Ware; and Region 12 shall be made up of Bryan, Bulloch, Camden, Chatham, Effingham,
 23 Glynn, Liberty, Long, McIntosh, and Screven. The board for each regional commission
 24 shall ratify the boundaries provided for in this paragraph. If a regional commission fails
 25 to ratify such boundaries, such commission shall continue to operate under the existing
 26 boundaries for such commission prior to June 30, 2009. The provisions of Article 2 of
 27 this chapter shall apply to a regional commission failing to ratify the boundaries provided
 28 for in this Code section; provided, however, that such commission shall not be eligible
 29 to receive funding pursuant to Code Section 50-8-33.

30 (2) Notwithstanding the territorial boundaries established pursuant to paragraph (1) of
 31 this subsection, the ~~The~~ board shall determine and establish, from time to time, the
 32 territorial boundaries for the region of operation by each regional development center
 33 commission as well as the total number of the regions; provided, however, that any action
 34 of the board altering the boundaries of a regional development center commission or
 35 changing the total number of the regions shall not be effective until approved by the
 36 General Assembly at the next regular session following such action by the board by
 37 means of the adoption of a joint resolution ratifying such action. The boundaries of each

1 ~~region shall be established initially so that, for the period through June 30, 1990, each~~
 2 ~~region will cover the same territorial area as covered by the regional development~~
 3 ~~center's predecessor area planning and development commission in effect on June 30,~~
 4 ~~1989. Each county shall be wholly within the region of one regional development center~~
 5 commission, and no county shall be divided among more than one region. Without
 6 limiting the generality of the foregoing, the board shall establish the boundaries of any
 7 region for which a metropolitan area planning and development commission, created
 8 pursuant to Article 4 of this chapter, also serves as the regional ~~development center~~
 9 commission.

10 (g) In addition to ratification by resolution, the General Assembly may ratify regional
 11 ~~development center~~ commission boundary changes by Act; ~~and the particular changes~~
 12 ~~adopted by the Board of Community Affairs on January 13, 1999, and February 10, 1999,~~
 13 ~~and affecting Johnson and Emanuel counties are ratified to become effective July 1, 1999."~~

14 SECTION 3.

15 Said chapter is further amended by revising subsection (b) of Code Section 50-8-7, relating
 16 to planning and technical assistance and information gathering and distributing, as follows:

17 "(b) The department shall undertake and carry out, and shall coordinate with other state
 18 agencies and local governments in undertaking and carrying out, such gathering of
 19 information, such distribution of information, and such studies and recommendations as
 20 the board or the commissioner may deem necessary for performing local government
 21 services and as may be specified by law. Such coordinating, gathering, and distribution of
 22 information and studies may include, but shall not be limited to, the following:

23 (1) The department shall coordinate and participate in compiling, and other state
 24 agencies and local governments shall participate in compiling, a Georgia data base and
 25 network to serve as a comprehensive source of information available, in an accessible
 26 form, to local governments and state agencies. The Georgia data base and network shall
 27 collect, analyze, and disseminate information with respect to local governments, regional
 28 ~~development centers~~ commissions, and state agencies. The Georgia data base and
 29 network shall include information obtained or available from other governments and
 30 information developed by the department. To maintain the Georgia data base and
 31 network, the department shall make, and shall coordinate with other state agencies and
 32 local governments in making, comprehensive studies, investigations, and surveys of the
 33 physical, social, economic, governmental, demographic, and other conditions of the state
 34 and of local governments and of such other aspects of the state as may be necessary to
 35 serve the purposes of the department. The department shall make available the Georgia
 36 data base and network, or provide access to the Georgia data base and network, to other

1 state agencies, local governments, members of the General Assembly, and residents of
2 the state;

3 ~~(2) The department shall maintain a strategic rural economic development plan in~~
4 ~~cooperation with the regional development centers, the university system of the state,~~
5 ~~other state agencies and departments, and local governments. The plan shall include,~~
6 ~~without being limited to, identifying industries for which the rural areas of the state have~~
7 ~~a comparative advantage, exploring resources for venture capital for the rural areas of the~~
8 ~~state, and providing state financial assistance to support local initiatives for rural~~
9 ~~economic development in rural areas;~~

10 ~~(3)~~ The department may assist the Governor, the General Assembly, any committees of
11 the General Assembly, any state department, any state agency, any state authority, or any
12 local government with studies, surveys, investigations, maps, reports, plans,
13 recommendations, advice, and information prepared, developed, or obtained by the
14 department;

15 ~~(4)~~(3) The department may undertake studies, investigations, and surveys to identify
16 potential physical, social, economic, governmental, demographic, or other problems and
17 opportunities in the urban, suburban, and rural areas of the state and to assist local
18 governments in preparing to avoid the consequences of such problems or to take
19 advantage of such opportunities; and

20 ~~(5)~~(4) The department may write, draft, prepare, or publish any studies, surveys,
21 investigations, maps, reports, plans, recommendations, advice, and information with
22 respect to local or regional government affairs. The department may distribute or
23 otherwise disseminate any such studies, surveys, investigations, maps, reports, plans,
24 recommendations, advice, and information to any government, any state authority or state
25 agency, or any private entity."

26 SECTION 4.

27 Said chapter is further amended by revising Code Section 50-8-7.1, relating to assisting the
28 Governor in planning, establishing minimum standards and procedures for coordinated and
29 comprehensive planning, and supervising regional development centers, as follows:

30 "50-8-7.1.

31 (a) The department shall perform the duties, responsibilities, and functions and may
32 exercise the power and authority described in this Code section. The department, utilizing
33 the comprehensive plans of qualified local governments, shall undertake and carry out such
34 activities as may be necessary to assist the Governor in encouraging, coordinating,
35 developing, and implementing coordinated and comprehensive planning. Such activities
36 may include, but shall not be limited to, the following:

(1) The department, utilizing the comprehensive plans of regional commissions and qualified local governments, shall assist the Governor in coordinated and comprehensive planning on the state level and throughout the state, including, but not limited to, assistance in the development of a comprehensive plan for the state;

(2) The department, utilizing the comprehensive plans of regional commissions and qualified local governments, shall assist the Governor in defining the state's long-term goals, objectives, and priorities and implementing those goals, objectives, and priorities through coordinated and comprehensive planning;

(3) The department shall examine and analyze plans of state agencies, comprehensive plans of regional ~~development centers~~ commissions, and comprehensive plans of municipalities and counties, undertaken as part of the coordinated and comprehensive planning process, and advise the Governor with respect to those plans; and

(4) The department shall serve as policy liaison for the Governor, with respect to coordinated and comprehensive planning, with and among state agencies and local governments.

(b) The department shall establish in accordance with the provisions of Code Section 50-8-7.2 minimum standards and procedures for coordinated and comprehensive planning, including standards and procedures for preparation of plans, for implementation of plans, and for participation in the coordinated and comprehensive planning process. The department shall undertake and carry out such activities as may be specified by law. Such activities may include, but shall not be limited to, the following:

(1) As part of such minimum standards and procedures, the department shall establish minimum elements which shall be addressed and included in comprehensive plans of local governments which are prepared as part of the coordinated and comprehensive planning process. These elements shall include, but shall not be limited to, housing, human services, natural resources, the environment, vital areas, historic and cultural resources, infrastructure, land use other than zoning, recreation, transportation, and economic development;

(2) The department shall establish minimum standards and procedures which shall be used by local governments in developing, preparing, and implementing their comprehensive plans. The department shall incorporate the minimum standards and procedures with respect to natural resources, the environment, and vital areas of the state established and administered by the Department of Natural Resources pursuant to Code Section 12-2-8. In establishing such minimum standards and procedures, the department shall be authorized to differentiate among local governments and among regions based upon factors which the department determines merit differentiation, such as total population, density of population, geographic features, the size of tax base, the type and

1 character of services furnished by local governments, the size of budget, and other
2 factors;

3 (3) The department shall develop planning procedures with respect to regionally
4 important resources, for planning with respect to developments of regional impact, and
5 for encouraging interjurisdictional cooperation among local governments. The
6 department shall determine, in its judgment and for each region, what shall constitute
7 developments of regional impact. Such determinations by the department shall be made
8 for each region after receiving any necessary information from the regional ~~development~~
9 ~~center~~ commission for the region, from local governments within the region, and from
10 others within the region. The department's determinations shall be publicly promulgated,
11 using such means as the commissioner may determine, so that all local governments
12 within a region will receive notice of the department's determinations affecting that
13 region; and

14 (4) The department shall establish and shall promulgate procedures for obtaining input
15 from, and participation by, local governments and the public in establishing, amending,
16 and updating from time to time the minimum standards and procedures.

17 (c) The department shall undertake and carry out such activities as the board or the
18 commissioner may deem necessary for supervising regional ~~development centers~~
19 commissions and as may be specified by law. Such activities may include, but shall not
20 be limited to, the following:

21 (1) The department shall recommend to the board from time to time the boundaries for
22 the regions for each of the regional ~~development centers~~ commissions; and

23 (2) The department shall review and comment on comprehensive plans prepared by, and
24 coordinated and comprehensive planning activities undertaken by or under the direction
25 of, regional ~~development centers~~ commissions.

26 (d) The department shall undertake and carry out such activities as may be necessary to
27 mediate, or otherwise assist in resolving, conflicts. Such activities may include, but shall
28 not be limited to, the following:

29 (1) The department may establish such procedures and guidelines for mediation or other
30 forms of resolving conflicts as the commissioner may deem necessary. The procedures
31 and guidelines shall specify the times within which steps in the mediation or other form
32 of conflict resolution shall take place and shall provide that such times shall not exceed,
33 in the aggregate, 90 days from the date on which mediation or other conflict resolution
34 begins. The department shall promulgate and make public all such procedures and
35 guidelines;

(2) The department may act to mediate or otherwise assist in resolving conflicts upon written request from any regional ~~development center~~ commission or local government or may act, without any such request, on its own initiative;

(3) The department may establish rules and procedures which require that local governments submit for review any proposed action which would, based upon guidelines which the department may establish, affect regionally important resources or further any development of regional impact. Any such proposed action by a local government (other than a regional ~~development center~~ commission) shall be submitted for review to the local government's regional ~~development center~~ commission. Any such proposed action by a regional ~~development center~~ commission shall be submitted for review to the department. Review shall be in accordance with rules and procedures established by the department. The review shall result in a public finding by the regional ~~development center~~ commission or the department, as the case may be, that the action will be in the best interest of the region and state or that it will not be in the best interest of the region and state;

(4) Any conflict which remains after review pursuant to the procedures established under paragraph (3) of this subsection shall be submitted to mediation or such other form of resolving conflicts as the commissioner may deem necessary; and

(5) The department may decline to certify a local government as a qualified local government or may take or recommend action which would reduce state or other funding for a regional ~~development center~~ commission if such local government or regional ~~development center~~ commission, as the case may be, is a party to a conflict but fails to participate in the department's mediation or other means of resolving conflicts in a manner which, in the judgment of the department and a majority of the Board of Community Affairs, reflects a good faith effort to resolve the conflict."

SECTION 5.

Said chapter is further amended by revising Article 2, relating to regional development centers, in its entirety as follows:

"ARTICLE 2

50-8-30.

The local governments of the State of Georgia are of vital importance to the state and its citizens. The state has an essential public interest in promoting, developing, sustaining, and assisting local governments. The natural resources, environment, and vital areas of the state are also of vital importance to the state and its citizens. The state has an essential

public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas. Coordinated and comprehensive planning by local governments, under direction from the state, is necessary in order to serve these essential public interests of the state. The purpose of this article is to provide for regional commissions to develop, promote, and assist in establishing coordinated and comprehensive land use, environmental, transportation, and historic preservation planning in the state, to assist local governments to participate in an orderly process for coordinated and comprehensive planning, to assist local governments to prepare and implement comprehensive plans which will develop and promote the essential public interests of the state and its citizens and advance positive governmental relations among the state, regional, and local levels, and to prepare and implement comprehensive regional plans which will develop and promote the essential public interests of the state and its citizens. This article shall be construed liberally to achieve its purpose. This article is enacted pursuant to the authority granted the General Assembly in the Constitution of the State of Georgia, including, but not limited to, the authority provided in Article III, Section VI, Paragraphs I and II(a)(1) and Article IX, Section II, Paragraphs III and IV."

50-8-31.

As used in this article, the term:

(1) 'Commission' means a regional commission established pursuant to this article, including its predecessor, a 'regional development center.'

(2) 'Commissioner' means the commissioner of community affairs.

(3) 'Comprehensive plan' means any plan by a county or municipality covering such county or municipality or any plan by a regional commission covering the commission's region proposed or prepared pursuant to the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the department in accordance with Article 1 of this chapter.

(4) 'Conflict' means any conflict, dispute, or inconsistency arising:

(A) Between or among comprehensive plans for any counties or municipalities, as proposed, prepared, proposed to be implemented, or implemented;

(B) Between or among comprehensive plans for any counties or municipalities and comprehensive plans for the region which includes such counties or municipalities, as such plans may be proposed, prepared, proposed to be implemented, or implemented;

(C) With respect to or in connection with any action proposed to be taken or taken by any county, municipality, or other local government relating to or affecting regionally important resources, as defined by the department; or

(D) With respect to or in connection with any action proposed to be taken or taken by any county, municipality, or other local government relating to or affecting developments of regional impact, as defined by the department.

(5) 'Constitution' means the Constitution of the State of Georgia.

(6) 'Contract' means any contract, agreement, or other legally binding arrangement.

(7) 'Coordinated and comprehensive planning' means planning by counties and municipalities and by regional commissions in accordance with the minimum standards and procedures.

(8) 'Council' means the council governing each regional commission.

(9) 'County' means any county of this state, including any consolidated governments.

(10) 'Department' means the Department of Community Affairs.

(11) 'Governing body' means the board of commissioners of a county, sole commissioner of a county, council, commissioners, or other governing authority for a county or municipality.

(12) 'Government' means any governmental unit on the federal, state, or local level and any department, agency, or authority of any such governmental unit and shall include all local governments, school districts, state agencies, and state authorities.

(13) 'Governmental services' means those necessary services provided by local units of government of this state.

(14) 'Human service programs' means any activity authorized by law to be undertaken by the state or by any unit of local government in which it is undertaken, the funds for which program are provided by or through the United States government, an adjoining state, this state, any unit of local government, any agency or instrumentality of the foregoing, or a public or private organization, the purpose of which is to provide assistance to and relieve the special burdens of the young, the indigent, the aged, persons with disabilities, the unemployed, or the ill.

(15) 'Local government' means any county, municipality, or other political subdivision of the state; any regional commission; any public agency or public authority, except any state agency or state authority, created under the Constitution or by Act of the General Assembly; and shall include public agencies and public authorities which are created or activated pursuant to the Constitution or Act of the General Assembly or by action of the governing body of any county, municipality, or other political subdivision of the state, separately or in any combination, and shall include any group of counties or municipalities which forms the group to carry out jointly any lawful purposes but shall not include school districts.

(16) 'Local plan' means the comprehensive plan for any county or municipality.

(17) 'Minimum standards and procedures' means the minimum standards and procedures, including the minimum elements which shall be addressed and included, for preparation of comprehensive plans, for implementation of comprehensive plans, and for participation in the coordinated and comprehensive planning process, as established by the department. Minimum standards and procedures shall include any elements, standards, and procedures for such purposes prescribed by a regional commission for counties and municipalities within its region and approved in advance by the department, in accordance with Article 1 of this chapter.

(18) 'Municipality' has the same meaning as provided in Code Section 36-30-1.

(19) 'Necessary' means necessary, desirable, or appropriate, as determined by the commissioner, unless the context clearly indicates a different meaning.

(20) 'Nonpublic council member' means any council member who is a resident of a county within the region, who is not an elected or appointed official or employee of any county or municipality, and who is appointed as a nonpublic member for that county pursuant to subsection (b) of Code Section 50-8-34.

(21) 'Nonpublic funds' means the servicing and processing fees which are received by a nonprofit corporation for administering federal or state revolving loan programs or loan packaging programs.

(22) 'Qualified local government' means a county or municipality which:

(A) Has a comprehensive plan in conformity with the minimum standards and procedures;

(B) Has made its local plan implementation mechanisms consistent with those established in its comprehensive plan and with the minimum standards and procedures; and

(C) Has not failed to participate in the department's mediation or other means of resolving conflicts in a manner which, in the judgment of the department, reflects a good faith effort to resolve any conflict.

(23) 'Region' means the territorial area within the boundaries of operation for any regional commission, as such boundaries shall be established from time to time by the board of the department.

(24) 'Regional commission' means a commission established under this article.

(25) 'Regional plan' means the comprehensive plan for a region.

(26) 'State' means the State of Georgia.

50-8-32.

Regional commissions are created and established as public agencies and instrumentalities of their members which shall facilitate coordinated and comprehensive planning in

conformity with minimum standards and procedures established pursuant to law. Regional commissions shall function as the regional planning entity for land use, environmental, transportation, and historic preservation planning in each designated region of the state. Each such agency and instrumentality shall be known as a regional commission and shall be designated, by name for all purposes, with such identifying words before the term 'regional commission' as the Board of Community Affairs may, from time to time in accordance with the provisions of subsection (f) of Code Section 50-8-4, choose and designate by official action. The number of regional commissions and the region within which each regional commission shall operate shall initially be established and subsequently may be changed from time to time by the Board of Community Affairs pursuant to Code Section 50-8-4. Each county shall be wholly within the region of one regional commission, and no county shall be divided among more than one region. Without limiting the generality of the foregoing, the Board of Community Affairs shall establish the boundaries of any region for which a metropolitan area planning and development commission, created pursuant to Article 4 of this chapter, also serves as the regional commission.

50-8-33.

(a) Each municipality and county in the state shall automatically be a member of the regional commission for the region which includes the municipality or county, as the case may be.

(b)(1) Each county and municipality in the state shall pay the annual dues for membership in its regional commission. Each county and the municipalities within such county shall continue to use the arrangement for the payment of dues which was in effect on June 30, 2009, for the payment of dues to the regional development centers which preceded the regional commissions created by this article until a revised arrangement for the amount, apportionment, and payment of annual dues is established by the county and the municipalities within such county. If an arrangement for the payment of such dues is structured so that a county pays dues only on behalf of residents of the unincorporated areas of the county, then the annual dues paid by such county shall come solely from revenues derived from the unincorporated areas of the county.

(2) State funds appropriated to the department and available for the purpose of assisting regional commissions shall be distributed in accordance with this paragraph. The department shall establish a minimum funding amount for regional commissions, conditioned upon the amount of state funds appropriated, and a supplemental funding formula to be used for the distribution of available state funds in excess of the minimum funding amount. While each regional commission must assess and collect annual dues

1 in the amount of 25¢ for each resident of each county within the regional commission,
2 based upon the most recent estimate of population approved by the department for this
3 purpose, to be eligible for any minimum funding from state appropriated funds, each
4 regional commission must assess and collect annual dues in the aggregate averaging a
5 minimum amount of \$1.00 for each resident of each county within the regional
6 commission, based upon the most recent estimate of population approved by the
7 department for this purpose. To be eligible for any supplemental funding, each regional
8 commission shall apply to the department in a manner established by the department to
9 determine eligibility for funds distributed pursuant to the supplemental funding formula.

10 (3) The initial supplemental funding formula established by the department to be used
11 for the distribution of available state funds in excess of the minimum funding amount
12 shall be promulgated by the department in accordance with the procedures of Code
13 Section 50-8-7.2.

14 50-8-34.

15 (a) The council of each regional commission shall establish policy and direction for the
16 regional commission and shall perform such other functions as may be provided or
17 authorized by law.

18 (b) The manner of selecting such regional commission council members shall be as
19 prescribed by its bylaws and membership on the council shall be determined as follows:

20 (1) The council shall include the chief elected official of each county governing body in
21 the region for a period of time concurrent with each such elected official's term of elected
22 office. If the chief elected official for a county is unable to serve on the council, he or she
23 shall appoint another elected county official. In the case of a consolidated government
24 where there is not another municipality located within the boundaries of the county, a
25 second member of such consolidated government shall be appointed to the board;

26 (2) The council shall include one elected official from one municipality in each county
27 in the region for a period of time concurrent with each such elected official's term of
28 elected office;

29 (3) The council shall include three residents of the region appointed by the Governor,
30 each for a term of two years. One of such three appointees shall be a member of a school
31 board located within the region or a superintendent of schools within the region, and two
32 of such three appointees shall be nonpublic council members;

33 (4) The council shall include one nonpublic council member appointed by the Lieutenant
34 Governor for a term of two years and one nonpublic council member appointed by the
35 Speaker of the House of Representatives for a term of two years; and

(5) The council may include any additional members determined necessary by the commissioner for purposes of complying with laws or regulations, or otherwise. Any such additional members shall be selected by the council and shall serve for a term of one year.

(c) The term of a member shall terminate immediately upon:

(1) Resignation by a member;

(2) Death of a member or inability to serve as a member due to medical infirmity or other incapacity; or

(3) Any change in local elective office or residence of a member which would cause the composition of the council not to comply with the requirements of subsection (b) of this Code section.

(d) Each member of the council shall have one vote. Establishment of a quorum for purposes of the conduct of business shall be determined by the bylaws of the regional commission.

(e) Each regional commission council shall elect from among its council members a chairperson, vice chairperson, and secretary or treasurer who shall serve for a term of two years and until their successors are elected and qualified. Such elections shall be held biennially at a meeting designated for that purpose in the regional commission's bylaws.

(f) Each council shall exercise the following powers:

(1) The powers, duties, responsibilities, and functions enumerated in Code Section 50-8-35;

(2) The appointment and removal of a full-time executive director for the regional commission;

(3) The establishment of such committees as the council shall deem appropriate;

(4) The adoption of an annual work program for the regional commission;

(5) The adoption of an annual budget to support the annual work program; and

(6) The determination of the policies and programs to be implemented and operated by the regional commission as may be provided or authorized by law.

50-8-34.1.

(a) Each regional commission shall have an executive director who shall serve at the pleasure of the council and who shall be subject to appointment and removal by a majority vote of the members of the council. The executive director shall perform such duties as assigned by the council.

(b) Each regional commission council shall require performance standards for measurement of the activities of the regional commission. The council shall conduct an

1 annual performance review of the executive director of the regional commission measured
2 by standards developed by the council.

3 50-8-35.

4 (a) Each regional commission, as authorized by the council of such regional commission
5 and consistent with federal and state law, shall perform the duties, responsibilities, and
6 functions and may exercise the power and authority described in this Code section. Each
7 commission may exercise the following power and authority:

8 (1) Each commission may adopt bylaws and make rules and regulations for the conduct
9 of its affairs;

10 (2) Each commission may make and enter into all contracts necessary or incidental to the
11 performance of its duties and functions so long as the chairperson of the commission's
12 council and the executive director of the commission jointly execute any such contracts
13 between a regional commission and state or federal agencies, or any other such contracts
14 as determined by the bylaws or the council. Neither a commission, nor any nonprofit
15 corporation established or controlled by that commission, may enter into any contract
16 obligating that regional commission or nonprofit corporation to perform services for any
17 political subdivision, individual, or business entity located wholly outside the boundaries
18 of that commission's region, except that one commission, on its own behalf and not on
19 behalf or for the direct benefit of any political subdivision, individual, or business entity
20 within that commission's boundaries, may contract with another commission to provide
21 services for the benefit of one or both commissions. A commission may contract with
22 any state agency for coordinated and comprehensive planning covering areas not within
23 the territorial boundary of the commission, provided that any such contract is made with
24 the approval of the regional commission's council;

25 (3) Each commission may acquire and dispose of real and personal property;

26 (4) Each commission may utilize the services of the Department of Administrative
27 Services;

28 (5) Each commission may prepare studies of the area's resources as they affect existing
29 and emerging problems of industry, commerce, transportation, population, housing,
30 agriculture, public services, local governments, and any other matters relating to area
31 planning and development;

32 (6) Each commission may collect, process, and analyze, at regular intervals, the social
33 and economic statistics for the region, which statistics are necessary to planning studies,
34 and make the results available to the general public;

1 (7) Each commission may participate with local, state, or federal governmental agencies,
2 educational institutions, and public and private organizations in the coordination and
3 implementation of research and development activities;

4 (8) Each commission may cooperate with all units of local government and planning and
5 development agencies within the commission's region and coordinate area planning and
6 development activities with those of the state and of the units of local government within
7 the commission's region as well as neighboring regions and with the programs of federal
8 departments, agencies, and regional commissions; and provide such technical assistance,
9 including data processing and grant administration services for local governments, as may
10 be requested of it by a unit or units of local government within the commission's region;
11 and such technical assistance shall not be limited to planning and development activities
12 but may include technical assistance of any nature requested by a unit or units of local
13 government within the commission's region;

14 (9) Each commission may carry out such other programs as its council or the department
15 shall require from time to time;

16 (10) Each commission may, when appropriate, administer funds involving more than one
17 political subdivision;

18 (11) Each commission may, upon the signed resolution of its council and written
19 approval by each unit of local government affected, initiate, continue, or renew
20 arrangements with the United States government, an adjoining state, this state, a unit of
21 local government, any agency or instrumentality of the foregoing, or a public or private
22 organization for the management, administration, or operation of human service programs
23 by such regional commission. The commission shall be permitted to enter into contracts
24 to provide, or to provide directly with the council's approval, governmental services on
25 behalf of the local governments. Direct services shall be provided to a municipality or
26 county only after such municipality or county has passed a resolution requesting such
27 services and the council has approved the municipality's or county's resolution.
28 Contracts for direct services pursuant to this paragraph shall be for one year, subject to
29 renewal. Direct services shall not include human service programs. Contracts for
30 government services may specifically authorize governmental services other than human
31 service programs in writing from time to time and for any specified period of time.
32 Services provided by human services programs may be provided if the regional
33 commission enters into contracts with other authorized entities, including units of local
34 government, for the delivery of goods or services to individual consumers. A
35 commission providing direct services pursuant to this paragraph shall not provide such
36 services on a for profit basis. Regional commissions shall be authorized to provide
37 technical assistance to units of local government in areas of governmental services; and

1 (12) Each commission may provide the following benefits to its employees, their
2 dependents, and survivors, in addition to any compensation or other benefits provided to
3 such persons:

4 (A) Retirement, pension, disability, medical, and hospitalization benefits, through the
5 purchase of insurance or otherwise;

6 (B) Life insurance coverage and coverage under federal old age and survivors'
7 insurance programs;

8 (C) Sick leave, annual leave, military leave, and holiday leave; and

9 (D) Any other similar benefits including, but not limited to, death benefits.

10 (b) Each commission shall adopt personnel policies and practices with specific reference
11 to job descriptions and qualifications. Minimum qualifications for the professional
12 personnel of each regional commission shall be established by the council of the regional
13 commission.

14 (c) Each commission shall undertake and carry out such planning and technical assistance
15 activities as its council or the department may deem necessary for the development,
16 preparation, and implementation of comprehensive plans for the commission's region and
17 for municipalities and counties within the commission's region and such planning and
18 technical assistance activities as its council or the department may deem necessary for
19 coordinated and comprehensive planning within the commission's region. Such planning
20 and technical assistance activities may include, but shall not be limited to, the following:

21 (1) A commission may coordinate and assist local governments in preparing local plans
22 for submission to the regional commission;

23 (2) A commission may provide technical planning assistance to local governments;

24 (3) A commission may develop and prepare a local plan for a county or municipality if
25 the county or municipality enters into a contract with a commission for that purpose;

26 (4) A commission may require that comprehensive plans within its region include
27 elements in addition to those established by the department as minimum standards and
28 procedures but, before imposing any such requirement, the commission shall have
29 received the department's approval of any additional elements to be included in such
30 comprehensive plans;

31 (5) A commission may establish within its comprehensive plan goals, objectives,
32 policies, and recommendations consistent with those established by the Governor's
33 Development Council or by the department, for its region; and

34 (6) Each commission shall prepare and adopt a regional plan and submit the regional
35 plan to the department. The regional plan shall take into consideration issues and
36 opportunities facing the region, the commissioner's recommendations to address such
37 issues, and local plans within the region. The regional plan may be prepared but shall not

1 be adopted by the council until after a proposed regional plan has been made public,
2 reviewed, and approved as meeting the minimum requirements of the department; and
3 after the council has held, or caused to be held by a designated hearing officer, a public
4 hearing on the regional plan, in accordance with such procedures as the department may
5 establish.

6 (d) Each commission shall participate in compiling a Georgia data base and network,
7 coordinated by the department, to serve as a comprehensive source of public information
8 available, in an accessible form, to local governments, state agencies, and members of the
9 General Assembly.

10 (e) A commission shall serve as liaison with other governments, including federal
11 government agencies and state agencies. In this capacity, a commission may administer
12 programs within the state upon the request of its council and may administer federal or
13 state government programs upon designation by the federal or state government. Each
14 commission shall be designated as the official planning agency for all state and federal
15 programs to be carried out in the region if such designation is required and if the
16 department concurs in such designation. A commission may take all action and shall have
17 all power and authority necessary to carry out its responsibilities, duties, and functions
18 under any such state or federal programs.

19 (f)(1)(A) In order to accomplish the intent of subsection (e) of this Code section, each
20 regional commission is authorized to create nonprofit corporations to administer federal
21 or state revolving loan programs or loan packaging programs, and to administer federal
22 or state housing and development programs and funds available only to nonprofit
23 corporations. Each such nonprofit corporation must be authorized by the commission's
24 council and each unit of local government affected.

25 (B) Any nonprofit corporation which, prior to April 1, 1994, has been created by a
26 commission or its predecessor and has had articles of incorporation which are regular
27 on their face accepted for filing by the Secretary of State shall be recognized as and
28 have legal status as a validly created nonprofit corporation under the laws of this state
29 for all purposes, notwithstanding the requirements of subparagraph (A) of this
30 paragraph and notwithstanding any lack of express statutory authority on the part of the
31 commission to carry out such incorporation at the time of filing of the articles of
32 incorporation. Nothing in this subparagraph, however, shall excuse such a nonprofit
33 corporation from complying on and after April 1, 1994, with any and all requirements
34 imposed by law for continuation of its corporate existence in the same manner as other
35 nonprofit corporations created under this paragraph are required to comply with legal
36 requirements for their continued existence.

(2) Employees and any other authorized representatives of a nonprofit corporation created pursuant to paragraph (1) of this subsection are authorized to expend nonpublic funds of such corporation for the business meals and incidental expenses of bona fide industrial prospects and other persons who attend any meeting at the request of the nonprofit corporation to discuss the location or development of new business, industry, or tourism within the commission's region. All such expenditures shall be verified by vouchers showing date, place, purpose, and persons for whom such expenditures were made. All receipts of nonpublic funds shall be evidenced by vouchers showing the date, amount, and source of each receipt. A schedule shall be included in each annual audit which reports the beginning balance of unexpended nonpublic funds; the date, amount, and source of all receipts of nonpublic funds; the date, place, purpose, and persons for whom expenditures were made for all such expenditures of nonpublic funds; and the ending balance of unexpended nonpublic funds. The auditor shall verify and test such beginning balances, receipts, expenditures, and ending balances sufficient to express an opinion thereon in accordance with generally accepted government auditing standards.

(3) A nonprofit corporation shall keep books of account reflecting all funds received, expended, and administered by the nonprofit corporation which shall be independently audited at least once in each fiscal year during which a nonprofit corporation functions. Such audit shall be conducted in accordance with generally accepted government auditing standards. The state auditor shall promulgate policies and procedures for procurement of such audit of the financial affairs of a nonprofit corporation and shall annually review the audit procurement process to determine compliance with established policies and procedures. The nonprofit corporation shall be responsible for the costs associated with such audit. The auditor's report shall be presented to the commissioner, who shall make such report available to each council member within the region and to the Board of Community Affairs. The books of account shall be kept in a standard, uniform format to be determined by the state auditor and the commissioner. Each nonprofit corporation shall update its books of account on a quarterly basis and shall present the quarterly update to the commissioner.

(4) Each nonprofit corporation shall submit to the department copies of all filings made to federal, state, or local taxing authorities, including filings related to tax exemptions simultaneous with such filings.

(5)(A) Each annual audit report of a nonprofit corporation shall be completed and a copy of the report forwarded to the state auditor within 180 days after the close of the nonprofit corporation's fiscal year. In addition to the audit report, the nonprofit corporation shall forward to the state auditor, within 30 days after the audit report due date, written comments on the findings and recommendations in the report, including

1 a plan for corrective action taken or planned and comments on the status of corrective
2 action taken on prior findings. If corrective action is not necessary, the written
3 comments should include a statement describing the reason it is not.

4 (B) The state auditor shall review the audit report and written comments submitted to
5 his or her office to ensure that they meet the requirements for audits provided for in
6 paragraph (3) of this subsection. If the state auditor finds the requirements for audits
7 have not been complied with, the state auditor shall, within 60 days of his or her receipt
8 of the audit or written comments, notify the nonprofit corporation and the auditor who
9 performed the audit and shall submit to them a list of the deficiencies to be corrected.

10 A copy of this notification shall also be sent by the state auditor to the commission
11 related to the nonprofit corporation, the chief elected official of each county and
12 municipality within the commission's region, and to each member of the General
13 Assembly whose senatorial or representative district includes any part of the
14 commission's region.

15 (C) If the state auditor has not received any required audit or written comments by the
16 date specified in subparagraph (A) of this paragraph, the state auditor shall within 30
17 days of such date notify the nonprofit corporation that the audit has not been received
18 as required by law. A copy of this notification shall also be sent by the state auditor to
19 the commission related to the nonprofit corporation, the chief elected official of each
20 county and municipality within the related commission's region, and to each member
21 of the General Assembly whose senatorial or representative district includes any part
22 of the related commission's region.

23 (D) The state auditor, for good cause shown by those nonprofit corporations in which
24 an audit is in the process of being conducted or will promptly be conducted, may waive
25 the requirement for completion of the audit within 180 days. Such waiver shall be for
26 an additional period of not more than 180 days and no such waiver shall be granted for
27 more than two successive years to the same nonprofit corporation.

28 (6) A copy of the report and of any comments made by the state auditor pursuant to
29 subparagraph (B) of paragraph (5) of this subsection shall be maintained as a public
30 record for public inspection during the regular working hours at the principal office of the
31 nonprofit corporation and the related commission.

32 (7) Upon a failure, refusal, or neglect to have an annual audit made or a failure to file a
33 copy of the annual audit report with the state auditor or a failure to correct auditing
34 deficiencies noted by the state auditor, the state auditor shall cause a prominent notice to
35 be published in the legal organ of and any other newspapers of general circulation within
36 each county and municipality within the related commission's region. Such notice shall
37 be a prominently displayed advertisement or news article and shall not be placed in that

1 section of the newspaper where legal notices appear. Such notice shall be published once
2 a week for two consecutive weeks and shall state that the nonprofit corporation has failed
3 or refused to file an audit report or to correct auditing deficiencies, as the case may be,
4 for the fiscal year or years in question. Such notice shall further state that such failure or
5 refusal is in violation of state law.

6 (8) The state auditor may waive the requirement of correction of auditing deficiencies
7 for a period of one year from the required audit filing date, provided that evidence is
8 presented that substantial progress is being made toward removing the cause of the need
9 for the waiver. No such waiver for the same set of deficiencies shall be granted for more
10 than two successive years to the same nonprofit corporation.

11 (g) A commission shall be prohibited from either creating or controlling or causing to be
12 created any nonprofit corporation, except as authorized in paragraph (1) of subsection (f)
13 of this Code section.

14 (h) Neither a commission nor a nonprofit corporation either created or controlled or caused
15 to be created by the commission shall administer any federal program which prohibits the
16 state auditor from conducting a performance audit relative to such program.

17 (i) In any case where a commission contracts with a state agency, the contract shall include
18 a provision requiring cancellation of the contract if the department determines that the
19 commission or a nonprofit corporation either created or controlled or caused to be created
20 by the commission is not fully cooperating with a performance audit conducted by the
21 department.

22 (j) Each commission shall develop a department approved continuing education program
23 for professional staff members of such commissions.

24 50-8-36.

25 (a) Each local plan shall be submitted for review, comment, and recommendation to the
26 appropriate regional commission and shall become effective in accordance with this Code
27 section. Each municipality and county within a region shall submit its local plan to the
28 regional commission for that region for review, comment, and recommendation by the
29 regional commission. The commission shall maintain all local plans which it receives in
30 this manner in files available for inspection by the public.

31 (b) Within ten days after receipt of a local plan, the regional commission shall notify each
32 municipality or county within its region which may be affected by the local plan of the
33 general nature of the plan, the date of its submission, and the identity of the submitting
34 municipality or county. In addition, any local governments contiguous to, or operating
35 within, the submitting municipality or county shall be notified by the regional commission
36 in the same manner.

(c) Within 15 days after the regional commission gives the notice required by subsection (b) of this Code section, any local government within the region and any other local government which received notice from the regional commission may present, to the regional commission, its views on the local plan in a public meeting or hearing which shall be held in accordance with rules established by the regional commission with prior approval of the department.

(d) The regional commission shall determine whether the adoption or implementation of the local plan would present any conflict. The regional commission may recommend a modification of the local plan in such a manner as to eliminate any conflict or alleviate any problem or difficulty which such conflict may create. The regional commission's determination shall be in writing, shall be made public, and shall be communicated by written notice given to the municipality or county which submitted the local plan within 15 days after the date of the public meeting or hearing.

(e) The municipality or county which submitted the local plan may request reconsideration of any recommendation by a regional commission within ten days after the regional commission's recommendation is made public. For purposes of such reconsideration, the regional commission shall schedule, announce, and hold a public hearing within 15 days after receipt of the request for reconsideration. Notice of the time and place of any such public hearing shall be given by the regional commission to all members of the regional commission, in accordance with such procedures as the regional commission may establish, subject to the prior approval of the department. The regional commission shall also give such notice to all affected municipalities and counties and appropriate state regulatory boards and agencies.

(f) Within ten days after the public hearing, the regional commission shall either continue its recommendations or modify the recommendations. In either case, the regional commission shall make public its determination and shall give written notice of its determination to the municipality or county which submitted the local plan.

(g) No municipality or county shall take any action to adopt any local plan, or to put into effect any local plan, until 60 days after the date when the municipality or county, as the case may be, submitted its complete local plan to the regional commission for review, comment, and recommendation, except that any request for reconsideration of any recommendation by a regional commission pursuant to subsection (e) of this Code section shall automatically operate to extend the 60 day period to 90 days.

50-8-37.

A regional commission shall review all applications of municipalities, counties, authorities, commissions, boards, or agencies within the area for a loan or grant from the United States,

1 the state, or any agency thereof if review by a region-wide agency or body is required by
2 federal or state law, rule, or regulation. In each case requiring review, the municipality,
3 county, authority, commission, board, or agency shall, prior to submitting its application
4 to the United States or state or agency thereof, transmit the same to the regional
5 commission for its review. The comments of the regional commission shall then become
6 a part of the application, to be appended thereto when finally submitted for the
7 consideration of the United States, the state, or any agency thereof.

8 50-8-38.

9 (a) A regional commission shall keep books of account reflecting all funds received,
10 expended, and administered by the regional commission which shall be independently
11 audited at least once in each fiscal year during which a regional commission functions.
12 Such audit shall be conducted in accordance with generally accepted government auditing
13 standards. The state auditor shall promulgate policies and procedures for procurement of
14 such audit of the financial affairs of a regional commission and shall annually review the
15 audit procurement process to determine compliance with established policies and
16 procedures. The regional commission shall be responsible for the costs associated with
17 such audit. The auditor's report shall be presented to the governing body of each member
18 within the region and to the department. Beginning July 1, 1990, the books of account
19 shall be kept in a standard, uniform format to be determined by the state auditor and the
20 commissioner. Each regional commission shall update its books of account on a quarterly
21 basis and shall present the quarterly update to the commissioner. The state auditor shall
22 conduct at least triennially a performance audit of all state funds received by each regional
23 commission and the department shall provide funds for such audits. The state auditor shall
24 provide copies of a performance audit of a regional commission to the chief elected official
25 of each county and municipality within the regional commission's region.

26 (b) In conducting a performance audit of a regional commission, the state auditor shall be
27 allowed access to all books, records, and documents of the regional commission and all
28 books, records, and documents of any nonprofit corporations either created or controlled
29 or caused to be created by the regional commission, to the extent the state auditor deems
30 necessary.

31 (c)(1) Each annual audit report of a regional commission shall be completed and a copy
32 of the report forwarded to the state auditor within 180 days after the close of the regional
33 commission's fiscal year. In addition to the audit report, the regional commission shall
34 forward to the state auditor, within 30 days after the audit report due date, written
35 comments on the findings and recommendations in the report, including a plan for
36 corrective action taken or planned and comments on the status of corrective action taken

1 on prior findings. If corrective action is not necessary, the written comments should
2 include a statement describing the reason it is not.

3 (2) The state auditor shall review the audit report and written comments submitted to his
4 or her office to ensure that they meet the requirements for audits provided for in
5 subsection (a) of this Code section. If the state auditor finds the requirements for audits
6 have not been complied with, the state auditor shall, within 60 days of his or her receipt
7 of the audit or the written comments, notify the regional commission and the auditor who
8 performed the audit and shall submit to them a list of deficiencies to be corrected. A
9 copy of this notification shall also be sent by the state auditor to the chief elected official
10 of each county and municipality within the regional commission's region and to each
11 member of the General Assembly whose senatorial or representative district includes any
12 part of the regional commission's region.

13 (3) If the state auditor has not received any required audit or written comments by the
14 date specified in paragraph (1) of this subsection, the state auditor shall within 30 days
15 of such date notify the regional commission that the audit has not been received as
16 required by law. A copy of this notification shall also be sent by the state auditor to the
17 chief elected official of each county and municipality within the regional commission's
18 region and to each member of the General Assembly whose senatorial or representative
19 district includes any part of the regional commission's region.

20 (4) The state auditor, for good cause shown by those regional commissions in which an
21 audit is in the process of being conducted or will promptly be conducted, may waive the
22 requirement for completion of the audit within 180 days. Such waiver shall be for an
23 additional period of not more than 180 days and no such waiver shall be granted for more
24 than two successive years to the same regional commission.

25 (d) A copy of the report and of any comments made by the state auditor pursuant to
26 paragraph (2) of subsection (c) of this Code section shall be maintained as a public record
27 for public inspection during the regular working hours at the principal office of the regional
28 commission.

29 (e) Upon a failure, refusal, or neglect to have an annual audit made or a failure to file a
30 copy of the annual audit report with the state auditor or a failure to correct auditing
31 deficiencies noted by the state auditor, the state auditor shall cause a prominent notice to
32 be published in the legal organ of and any other newspapers of general circulation within
33 each county and municipality within the regional commission's region. Such notice shall
34 be a prominently displayed advertisement or news article and shall not be placed in that
35 section of the newspaper where legal notices appear. Such notice shall be published once
36 a week for two consecutive weeks and shall state that the regional commission has failed
37 or refused to file an audit report or to correct auditing deficiencies, as the case may be, for

1 the fiscal year or years in question. Such notice shall further state that such failure or
2 refusal is in violation of state law.

3 (f) The state auditor may waive the requirement of correction of auditing deficiencies for
4 a period of one year from the required audit filing date, provided that evidence is presented
5 that substantial progress is being made toward removing the cause of the need for the
6 waiver. No such waiver for the same set of deficiencies shall be granted for more than two
7 successive years to the same regional commission.

8 (g) Any other provision of this chapter to the contrary notwithstanding, nothing in this
9 chapter shall be construed to require public disclosure of or access to any documents or
10 information relating to loans made by or assigned to the United States Small Business
11 Administration which are exempt from disclosure based upon the federal Privacy Act of
12 1974, the federal Freedom of Information Act, or the Code of Federal Regulations.

13 (h) Notwithstanding any other provision of this chapter, the state auditor shall not be
14 authorized or required to conduct financial or performance audits of any records or
15 documents relating to loans made by or assigned to the United States Business
16 Administration or any other entity or agency of the United States government if said
17 agency's administrator certifies in writing to the state auditor that said records or
18 documents may not be disclosed to state auditors under applicable federal regulations.

19 50-8-39.

20 Upon a regional commission's ceasing operations, the local government members of the
21 regional commission shall, within 30 days of cessation of the regional commission's
22 operations, appoint a receiver of the assets of the regional commission for the protection
23 of creditors. The receiver shall be authorized to marshal, sell, or transfer assets, pay
24 liabilities, and assess counties and municipalities which were members of the regional
25 commission. After the completion of such liquidation, a distribution shall be made to the
26 local government members on a pro rata basis according to the amount of contributions
27 such members made to the regional commission.

28 50-8-40.

29 When federal or state law or regulations require the designation of an area-wide or
30 multicounty public or private corporation, organization, or agency for multicounty delivery
31 of human service programs, the state agency administering such programs shall send a
32 notice of intent to designate such area-wide or multicounty corporation, organization, or
33 agency to units of local government and the regional commissions in the area to be
34 affected. The notice shall discuss in general the details of the program and, when
35 applicable, possible local government involvement.

1 50-8-41.

2 Each regional development center in existence as of June 30, 2009, shall automatically be
3 succeeded by the regional commission for the same region as of July 1, 2009, and each
4 such regional commission shall be governed, from and after July 1, 2009, by this article.
5 All contractual obligations, obligations to employees, other duties, rights, and benefits of
6 such regional development center shall automatically become duties, obligations, rights,
7 and benefits of their respective successor regional commissions.

8 50-8-42.

9 Any metropolitan area planning and development commission, created pursuant to
10 Article 4 of this chapter, shall also serve as the regional commission for the area covered
11 by such metropolitan area planning and development commission. The duties,
12 responsibilities, and functions and the power and authority granted the metropolitan area
13 planning and development commission by law are, and shall be construed to be, cumulative
14 with, and in addition to, the duties, responsibilities, and functions and the power and
15 authority granted regional commissions by law. In the event of any conflict between the
16 provisions of law governing metropolitan planning and development commissions and
17 those governing regional commissions, however, the laws governing metropolitan area
18 planning and development commissions shall control and shall govern the metropolitan
19 area planning and development commission. For example, but without intending to limit
20 the generality of the foregoing statement, the provisions of Code Sections 50-8-84 through
21 50-8-87, regarding membership of a metropolitan area planning and development
22 commission, terms of officers, quorums, and elections of officers, would govern a
23 metropolitan area planning and development commission instead of the provisions
24 covering the same subject matter under this article.

25 50-8-43.

26 The governing authorities of the local governmental entities within each regional
27 commission may appropriate or loan their funds, facilities, equipment, and supplies to the
28 regional commission.

29 50-8-44.

30 Each regional commission exists for nonprofit and public purposes; and it is found and
31 declared that the carrying out of the purposes of each regional commission is exclusively
32 for public benefit and its property is public property. Thus, no regional commission shall
33 be required to pay any state or local ad valorem, sales, use, or income taxes.

1 50-8-45.

2 (a) The following provisions apply to all regional commissions. The Department of
3 Administrative Services is authorized to permit regional commissions, on an optional basis,
4 to purchase their motor vehicles, material, equipment, services, and supplies through the
5 state and to issue purchase orders for regional commissions for motor vehicles, material,
6 equipment, services, and supplies.

7 (b) The regional commissions of this state are authorized to purchase stock from the state's
8 central supply system operated by the Department of Administrative Services.

9 (c) The regional commissions of this state are authorized to purchase under state-wide
10 term contracts and price agreements established by the Department of Administrative
11 Services.

12 (d) The regional commissions of this state are authorized to receive directly from the
13 Department of Administrative Services personal property declared surplus by the state.

14 (e) The commissioner of administrative services shall prescribe regulations necessary for
15 implementation of this Code section and is authorized to establish minimum standards and
16 uniform standard specifications and procedures for the purchase and distribution and
17 disposition of motor vehicles, material, equipment, services, and supplies for the regional
18 commissions of this state.

19 50-8-46.

20 Nothing in this article shall limit or compromise the right of the governing authority of any
21 county or municipality to exercise the power of zoning.

22 50-8-47.

23 The outstanding assets, liabilities, contracts, staff, records, or debts of any regional
24 development center not existing after July 1, 2009, shall thereafter be transferred or
25 disposed of by the commission the boundaries of which contain the boundaries of any
26 former regional development district."

27 SECTION 6.

28 Said chapter is further amended by revising Code Section 50-8-60, relating to definitions
29 regarding conflicts of interest in contract administration, as follows:

30 "50-8-60.

31 As used in this article, the term:

32 (1) ~~'Board member' means any member of the board of a regional development center~~
33 ~~established under Article 2 of this chapter.~~

(2) 'Business' means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

~~(3)~~(2) ~~'Center' means a regional development center established under Article 2 of this chapter~~ 'Commission' means a regional commission established pursuant to Article 2 of this chapter.

~~(4)~~(3) 'Commissioner' means the commissioner of community affairs.

(4) 'Council member' means any member of the council of a regional commission established under Article 2 of this chapter.

(5) 'Employee' means any person who, pursuant to a written or oral contract, is employed by a ~~center~~ regional commission or by a nonprofit corporation.

(6) 'Family' means spouse and dependents.

(7) 'Nonprofit corporation' means any nonprofit corporation created or controlled by a regional ~~development center~~ commission as expressly authorized by law, or as administratively authorized pursuant to ~~paragraph (18) of Code Section 50-8-31 and subsection (f) of Code Section 50-8-35.~~

(8) 'Person' means any person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or other legal entity.

(9) 'Substantial interest' means the direct or indirect ownership of more than 25 percent of the assets or stock of any business.

(10) 'Transact business' or 'transact any business' means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative; to purchase surplus real or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative; or to obtain loans or loan packaging services on behalf of oneself or any third party as an agent, dealer, broker, or representative."

SECTION 7.

Said chapter is further amended by revising Code Section 50-8-67, relating to influence of election of board members prohibited and adoption of disciplinary measures, as follows:

"50-8-67.

A ~~director or chief administrative officer~~ member of a regional ~~development center~~ commission's council or executive director of a regional commission shall not actively or directly attempt to influence the election of persons as members of the ~~board~~ council of such regional ~~development center~~ commission. A ~~An executive director or chief administrative officer~~ of a regional ~~development center~~ commission shall not participate in any partisan political activities. The ~~board~~ council of a regional ~~development center~~

commission may adopt, as part of its personnel policies, disciplinary measures to be imposed for noncompliance with this Code section."

SECTION 8.

Said chapter is further amended by revising Code Section 50-8-83, relating to powers, duties, and obligations of regional development centers, as follows:

"50-8-83.

A commission shall be, for its area, a regional ~~development center~~ commission as defined in and with all the powers, duties, and obligations of a regional ~~development center~~ commission set forth in Article 2 of this chapter and any other law of general application pertaining to regional ~~development centers~~ commissions on July 1, ~~1989~~ 2009; and in addition shall have all of the other powers, duties, and obligations set forth in this article."

SECTION 9.

Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the Metropolitan North Georgia Water Planning District, is amended by revising paragraphs (4), (7), and (14) of and adding a new paragraph to Code Section 12-5-441, relating to definitions regarding water resources, as follows:

"(4) '~~Center~~' means the regional development center created for any county or group of counties included in each such region pursuant to the authority contained in Article 2 of Chapter 8 of Title 50 Reserved."

"(5.1) 'Commission' means a regional commission established pursuant to this article, including its predecessor, a 'regional development center.'"

"(7) 'Flood plain' means that area adjacent to a major stream which is subject to being flooded with a probable frequency of at least once every 100 years. The ~~center~~ regional commission shall delineate the flood plain and in doing so may utilize or adopt studies prepared by the Corps of Engineers, United States Army, or such other studies as the ~~center~~ regional commission deems competent."

"(14) 'Plan' means the comprehensive plan or plans prepared by the ~~center~~ regional commission pursuant to Code Section 12-5-443."

SECTION 10.

Said chapter is further amended by revising subsection (b) of Code Section 12-5-579, relating to staffing and cooperation between agencies, as follows:

"(b) ~~The Atlanta Regional Commission, the Georgia Mountains Regional Development Center, the Coosa Valley Regional Development Center, the Chattahoochee-Flint Regional Development Center, and the Northeast Georgia Regional Development Center~~ Any

commission, as defined by Code Section 50-8-31, falling within the geographic boundaries of the district shall cooperate with the district and shall assist it in its efforts."

SECTION 11.

Code Section 2-6-28 of the Official Code of Georgia Annotated, relating to number and boundaries of soil and water conservation districts, alteration of existing districts, or formation of new districts, is amended in subsection (b) by replacing "development center" with "commission."

SECTION 12.

Code Section 8-2-113 of the Official Code of Georgia Annotated, relating to promulgation of rules and regulations by commissioner, delegation of inspection authority, rules and regulations continued in full effect, advisory committee, powers of commissioner, and training programs, is amended in paragraph (9) of subsection (d) by replacing "development center" with "commission."

SECTION 13.

Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid waste management, is amended by replacing "development center" with "commission" wherever the former occurs in:

(1) Code Section 12-8-31.1, relating to local, multijurisdictional, or regional solid waste plans; and

(2) Code Section 12-8-32, relating to permits for regional solid waste disposal facilities.

SECTION 14.

Code Section 14-3-140 of the Official Code of Georgia Annotated, relating to definitions regarding notice, is amended in paragraph (14) by replacing "development center" with "commission."

SECTION 15.

Code Section 31-6-43 of the Official Code of Georgia Annotated, relating to acceptance or rejection of application for certificate, is amended in subsections (a) and (g) by replacing "development center" with "commission."

SECTION 16.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by replacing "development center" with "commission" wherever the former occurs in:

- (1) Code Section 36-70-2, relating to definitions regarding planning;
- (2) Code Section 36-70-3, relating to powers of municipalities and counties;
- (3) Code Section 36-70-4, relating to municipality and county as members of regional development centers, membership dues, and participation in compiling Department of Community Affairs data base;
- (4) Code Section 36-80-20, relating to decal or seal required on vehicles owned or leased by any county, municipality, regional development center, school system, commission, board, or public authority; and
- (5) Code Section 36-81-8.1, relating to definitions regarding grant certification forms.

SECTION 17.

Code Section 44-3-3 of the Official Code of Georgia Annotated, relating to certain necessary documents required prior to the sale of subdivided land, is amended in subparagraph (a)(2)(P) by replacing "development center" with "commission."

SECTION 18.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by replacing "development center" with "commission" wherever the former occurs in:

- (1) Code Section 50-8-2, relating to definitions regarding general provisions relating to the Department of Community Affairs;
- (2) Code Section 50-8-8, relating to grants, loans, other disbursements of funds, and state community development program;
- (3) Code Section 50-8-81, relating to legislative intent;
- (4) Code Section 50-8-121, relating to rural economic development areas;
- (5) Code Section 50-8-122, relating to studies for proposed projects;
- (6) Code Section 50-8-212, relating to definitions regarding rural facilities economic development;
- (7) Code Section 50-8-215, relating to policies and procedures for facilities development committee;
- (8) Code Section 50-8-216, relating to preparation of comprehensive local plan for less developed county; and
- (9) Code Section 50-29-2, relating to authority of public agencies that maintain geographic information systems to contract for the provision of services.

SECTION 19.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by replacing "development centers" with "commissions" wherever the former occurs in:

(1) Code Section 12-3-114, relating to policies to guide department in creating and administering system;

(2) Code Section 12-5-523, relating to cooperation with Water Council, involvement of stakeholders, and initial draft plan;

(3) Code Section 12-8-31, relating to state solid waste management plan; and

(4) Code Section 12-8-31.1, relating to local, multijurisdictional, or regional solid waste plans.

SECTION 20.

Code Section 32-9-1 of the Official Code of Georgia Annotated, relating to financial support and project grants for research, programs, and purchases, is amended in subsections (b) and (c) by replacing "development center" with "commission."

SECTION 21.

Code Section 36-87-2 of the Official Code of Georgia Annotated, relating to authority of counties and municipal corporations to participate in programs, is amended in subparagraph (a)(2)(C) by replacing "development center" with "commission."

SECTION 22.

Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the governor, is amended by replacing "development centers" with "commissions" wherever the former occurs in:

(1) Code Section 45-12-172, relating to Office of Planning and Budget to review and comment on proposed development programs and serve as liaison with levels of government; and

(2) Code Section 45-12-206, relating to cooperation of state agencies, counties, municipalities, and other political subdivisions with Governor's Development Council.

SECTION 23.

Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows, is amended in subparagraph (a)(8)(B) by replacing "development centers" with "commissions."

SECTION 24.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by replacing "development centers" with "commissions" wherever the former occurs in:

- (1) Code Section 50-8-2, relating to definitions regarding general provisions relating to the Department of Community Affairs;
- (2) Code Section 50-8-122, relating to studies for proposed projects;
- (3) Code Section 50-8-123, relating to recommendation, approval, funding, and implementation of projects; and
- (4) Code Section 50-30-4, relating to powers of Institute for Community Business Development.

SECTION 25.

Part 6 of Article 5 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to protection of metropolitan rivers, is amended by replacing "center" with "commission" wherever the former occurs in:

- (1) Code Section 12-5-443, relating to comprehensive land and water use plan;
- (2) Code Section 12-5-444, relating to prohibited land and water uses;
- (3) Code Section 12-5-445, relating to review of application and supporting documents by regional development center;
- (4) Code Section 12-5-447, relating to minimum standards for certificates and recommendations;
- (5) Code Section 12-5-448, relating to appeal to aggrieved findings pursuant to the part;
- (6) Code Section 12-5-451, relating to uses to which part inapplicable;
- (7) Code Section 12-5-452, relating to cease and desist orders and land-disturbing activities as nuisances;
- (8) Code Section 12-5-453, relating to local regulation of land in drainage basins, enforcement where local regulation inadequate, and failure of governing authority to meet requirements; and
- (9) Code Section 12-5-456, relating to notification to local authorities of violations of part.

SECTION 26.

This Act shall become effective on July 1, 2009, except that the amendment to Code Section 50-8-4 made by Section 2 of this Act shall become effective only if funds are specifically appropriated for purposes of paragraph (2) of subsection (b) of Code Section 50-8-33 as enacted by Section 4 of this Act in the General Appropriations Act for State Fiscal Year 2010 making specific reference to this Act, and such Section 2 of this Act shall become effective when funds so appropriated for such fiscal year become available for expenditure.

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- SECTION 27.**
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- All laws and parts of laws in conflict with this Act are repealed.